

## PATENT APPLICATION

CERTIFICATE UNDER 37 CFR 1.6(p)(4): I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office as an electronic patent filing via Patent Electronic Filing System (EFS) addressed to: Commissioner for Patents on December 5, 2008.

  
Susan Wilkes, Paralegal

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/814,219  
Applicant : Katalin Coburn  
Filed : April 1, 2004  
Title : PROCESS FOR MAKING NON-EMULSIFIED, SPICED OR FLAVORED PEANUT BUTTER SPREAD, WITH LOWER FAT CONTENT, LONG SHELF LIFE, AND MINIMAL OIL SEPARATION  
TC/A.U. : 1764  
Examiner : Helen F. Pratt  
Confirmation No: 5389  
Docket No. : 32416-1001

#### **Mail Stop: Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

### RESPONSE TO THE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief dated November 24, 2008, please replace sections (3) and (4) with the revised sections (3) and (4) beginning on page 2 of this document.

(3) Status of Claims

Claims 1, 5-8, 11-15, 18, 21, 22, 25, 29-33, 35-43 and 45-52 are pending in this case, stand finally rejected, and are the subject matter of this appeal. Claims 2-4, 9-10, 16-17, 19-20, 23-24, 26-28, 34, and 44 are canceled.

(4) Status of Amendments

Claims 1, 14, 33, and 42 were amended in response to Examiner's non-final office action of December 14, 2007. The Examiner issued a final office action on July 11, 2008, and a notice of appeal was filed in response.

**REMARKS**

In response to the Notification of Non-Compliant Appeal Brief dated November 24, 2008, Applicant corrected sections 3 and 4 of the Appeal Brief. Applicant respectfully submits that the Appeal Brief is in condition for consideration.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213.

Respectfully submitted,

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